

**CR-08 00454 JW**  
**UNITED STATES DISTRICT COURT** HRL

SEALED BY ORDER  
OF THE COURT

NORTHERN DISTRICT OF CALIFORNIA

*SAN JOSE DIVISION*  
RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**THE UNITED STATES OF AMERICA**

**vs.**

**FORREST WILLIAM McELFRESH**

**INDICTMENT**

**COUNT ONE:**

Title 18, United States Code, § 2252(a)(2) - Receipt of Material Involving the Sexual Exploitation of Minors;

**COUNT TWO:**

Title 18, United States Code, § 2252(a)(4)(B) - Possession of Material Involving the Sexual Exploitation of Minors

*A true bill.*

*Ramona Wills*

*Foreperson*

*Filed in open court this 9th day of July*

*A.D. 2008*

*No Bail Arrest Warrant*  
*RS*

*Bail. \$*

*[Signature]*  
*United States Magistrate Judge*

DOCUMENT NO. 1	CSA's INITIALS a
DISTRICT COURT CRIMINAL CASE PROCESSING	

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

**FILED**

2008 JUL -9 P 3:09

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**SEALED BY ORDER  
OF THE COURT**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**CR-08 00454**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FORREST WILLIAM McELFRESH,

Defendant.

No.

VIOLATIONS: 18 U.S.C. § 2252(a)(2) –  
Receipt of Material Involving the Sexual  
Exploitation of Minors; 18 U.S.C.  
§ 2252(a)(4)(B) – Possession of Material  
Involving the Sexual Exploitation of  
Minors; 18 U.S.C. §§ 2253(a)(1) & (a)(3) –  
Criminal Forfeiture

SAN JOSE VENUE

**UNDER SEAL**

**INDICTMENT**

The Grand Jury charges:

**COUNT ONE:** (18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual Exploitation  
of Minors)

On or about January 23, 2008, in the Northern District of California, the defendant,

FORREST WILLIAM McELFRESH,

did knowingly and intentionally receive, by means of computer, certain visual depictions which  
had been shipped and transported in interstate and foreign commerce, the producing of which (1)  
involved the use of one and more minors engaging in sexually explicit conduct, and

INDICTMENT  
U.S. v. McELFRESH

(2) depicted such conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT TWO: (18 U.S.C. § 2252(a)(4)(B) – Possession of Material Involving the Sexual Exploitation of Minors)

On or about February 15, 2008, in the Northern District of California, the defendant,  
FORREST WILLIAM McELFRESH,  
did knowingly and intentionally possess one and more electronically-stored visual depictions  
which had been mailed, shipped, and transported in interstate and foreign commerce by any  
means, including by computer, and the producing of which (1) involved the use of one and more  
minors engaging in sexually explicit conduct, and (2) depicted such conduct, in violation of Title  
18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

The allegations contained in Counts One through Three of this Indictment are hereby  
realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture  
pursuant to Title 18, United States Code, Section 2253.

Upon conviction of the offenses alleged in Counts One through Three above, or any of  
them, the defendant,

FORREST WILLIAM. McELFRESH,  
shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)  
and (a)(3), all visual depictions described in Title 18, United States Code, Section 2252, and all  
property, real or personal, used or intended to be used to commit or promote the commission of  
the offenses of conviction, including but not limited to, a G5 Macintosh CPU, serial number

///

FZ3398DYO9ZA, with Lexor card reader and 8 megabyte compact card, which was seized from  
703 Clara Drive, Palo Alto, California.

DATED: 7/9/08

A TRUE BILL.

Bamora Wills  
FOREPERSON

JOSEPH P. RUSSIONELLO  
United States Attorney

Matthew A. Parrella  
MATTHEW A. PARRELLA  
Chief, San Jose Branch Office

(Approved as to form: 7/9/08)

AUSA CHEW

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. 2252(a)(2)  
18 U.S.C. 2252(a)(4)(B)  
18 U.S.C. 2253(a)(1) and (a)(3) - Criminal  
Forfeiture☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**

See attached sheet

**SEALED BY ORDER  
OF THE COURT****PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)  
FBI Special Agent Wade Luders☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

Hanley Chew

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**FILED**2008 JUL 24 P.3: 09  
DEFENDANT P.3: 09FORREST W. WILKINS  
RICHARD W. WILKINS  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.J.**CR-08 00454 JW**  
**HRL****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of Institution

Has detainer  
been filed? ☐ Yes ☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**Attachment to  
Penalty Sheet for  
United States v. Forrest William McElfresh**

Count One: Receipt of Material Involving the Sexual Exploitation of  
Minors (18 U.S.C. § 2252(a)(2))

Maximum Penalties: 20 years (5 year mandatory minimum)  
\$250,000 fine  
Lifetime supervised release (5 year mandatory minimum)  
\$100 mandatory special assessment

Count Two: Possession of Material Involving the Sexual Exploitation of  
Minors (18 U.S.C. § 2252(a)(4))

Maximum Penalties: 10 years  
\$250,000 fine  
Lifetime supervised release (5 year mandatory minimum)  
\$100 mandatory special assessment

Forfeiture Allegation: 18 U.S.C. 2253(a)(1) and (a)(3)